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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,100	05/06/2004	Hsin-Liang Chen	10114101	7296

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QUINTERO LAW OFFICE
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SANTA MONICA, CA 90404

EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/840,100

Applicant(s)

CHEN, HSIN-LIANG

Examiner

Bobbak Safaipoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 1-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kobayashi (US Patent Application Publication #2002/0173281)** in view of **Matsumura et al (US Patent #5,652,766)**.

Consider **claim 1**, Kobayashi discloses a folding electronic device comprising:

a body (figure 1, folding portable telephone);

an upper housing portion disposed on the body in a manner such that the upper housing portion rotates between a closed position and an open position (a first housing 11, a second housing 12 (read as upper housing portion), and a hinge portion 13 which is

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fixed on the first housing 11 and which is for rotatably coupling the second housing 12 to the first housing 11 (read as rotates between a closed position and an open position) (figure 1, paragraph 16).

a transmitting member disposed between the body and the upper housing portion in a manner such that the transmitting member rotates between a first position and a second position, wherein the upper housing portion rotates along with the transmitting member (figure 1, paragraph 17; The hinge portion 13 (read as transmitting member) comprises a first hinge portion 15 and a second hinge portion 14. The first hinge portion 15 is located on an end of the hinge portion 13 and has the operating portion 16. By the first hinge portion 15, the second housing 12 rotates from the first angle position to the second angle position, responsive to an operation of the operating portion 16. The second hinge portion 14 is located on the other end of the hinge portion 13 and is capable of rotating the second housing 12 from the first angle position to the second angle position.); and

a first elastic member disposed between the transmitting member and the body so as to rotate the transmitting member to the second position (figure 7, part 43; paragraphs 17 and 19; The first hinge portion 15 comprises a first spring 43 (read as first elastic member). The first hinge portion 15 is located on an end of the hinge portion 13 and has the operating portion 16. By the first hinge portion 15, the second housing 12 rotates from the first angle position to the second angle position, responsive to an operation of the operating portion 16.);

Kobayashi fails to disclose a sliding member disposed in the body in a manner such that the sliding member rotates between a third position and a fourth position so as

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to rotate the transmitting member, wherein the sliding member is engaged with the transmitting member located in the first position when the sliding member is located in the third position, and the sliding member is disengaged from the transmitting member so that the transmitting member rotates to the second position by the first elastic member and the upper housing portion rotates to the open position from the closed position when the sliding member is moved to the fourth position from the third position.

However, Matsumura et al disclose as known in the art a data transmitting and receiving method and apparatus wherein in the compact disc player body, a cover opening and closing operating key is slid to open (read as sliding member) a cover. (figure 1a, col. 3, lines 24-28).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Matsumura into the teachings of Kobayashi to have the folding portable telephone open by a sliding operation to allow convenient access to other features and controls.

Consider **claim 2**, and as **applied to claim 1 above**, Kobayashi further discloses the claimed invention wherein a second elastic member disposed in the body so as to maintain the sliding member at the third position (paragraphs 17 and 24; figure 4, part 34; The second hinge portion comprises a third spring 34. The second hinge portion 14 is located on the other end of the hinge portion 13 and is capable of rotating the second housing 12 from the first angle position to the second angle position.)

Consider **claim 3**, and as **applied to claim 2 above**, Kobayashi further discloses the claimed invention wherein the elastic force of the second elastic member exceeds that of the first elastic member (figure 4 part 34 and figure 7, part 43).

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Consider **claim 4**, and as **applied to claim 2 above**, Kobayashi further discloses the claimed invention wherein the second elastic member is a compression spring (paragraph 50; pressed coil spring).

Consider **claim 5**, and as **applied to claim 2 above**, Kobayashi further discloses the claimed invention wherein the body includes a first receiving portion for receiving the second elastic member (figure 4, paragraph 54; first fixed tube 33).

Consider **claim 6**, and as **applied to claim 2 above**, Kobayashi discloses a first protrusion inserting into the second elastic member so that the second elastic member returns to the third position (figure 4, paragraph 54; Two guiding trenches 33a (read as first protrusion, wherein one guiding trench is the first protrusion and the second guiding trench is the second protrusion) positioned in the X1, X2 direction are formed in the tubular portion 33c. In addition, two trenches 33b positioned in the Z1, Z2 direction of the tubular portion 33c and elongated in line with the direction from Y2 to Y1 are formed in the tubular portion 33c. The two guiding trenches 33a fixes the two guiding ribs 31a so as not to move in any directions other than Y direction. The two guiding ribs 31a of the first disk 31 can be slidered in the Y direction in line with the two guiding trenches 33a formed in the first fixed tube 33.).

Kobayashi fails to disclose a sliding member that includes a first protrusion inserting into the second elastic member so that the second elastic member returns the sliding member to the third position.

However, Matsumura et al disclose as known in the art a data transmitting and receiving method and apparatus wherein in the compact disc player body, a cover

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opening and closing operating key is slid to open (read as sliding member) a cover.
(figure 1a, col. 3, lines 24-28).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Matsumura into the teachings of Kobayashi to have the folding portable telephone open by a sliding operation to allow convenient access to other features and controls.

Consider **claim 7**, and **as applied to claim 1 above**, Kobayashi further discloses the claimed invention wherein a first case on which the first elastic member is fixed and a second case combined with the first case (figure 1, paragraphs 16 and 17; A hinge portion 13, which is fixed on the first housing 11 and which is for rotatably coupling the second housing 12 to the first housing 11, comprising a first hinge portion 15, including a first spring 43 (read as first elastic member) and a second hinge portion 14).

Consider **claim 8**, and **as applied to claim 7 above**, Kobayashi further discloses the claimed invention wherein the first case includes a second receiving portion for receiving the transmitting member and the first elastic member (figure 1, figure 7, part 43, paragraphs 16-17; The folding portable telephone comprises a first housing 11, a second housing 12, and a hinge portion 13 which is fixed on the first housing 11 and which is for rotatably coupling the second housing 12 to the first housing 11. The hinge portion 13 comprises an operating portion 16. The first hinge portion 15 is located on an end of the hinge portion 13 and has the operating portion 16. By the first hinge portion 15, the second housing 12 rotates from the first angle position to the second angle position, responsive to an operation of the operating portion 16.).

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Consider **claim 9**, and as **applied to claim 7 above**, Kobayashi further discloses the claimed invention wherein first case includes a first groove in which the first elastic member is disposed (figure 7, part 44c, paragraph 62; Two projecting portions 44c are formed in an end portion of the tubular portion 44a in the Y2 direction with projecting in the X1, X2 direction. The tubular portion 44a is inserted through the screwed coil spring 43 and the hole 42f formed in the upper bottom portion 42b of the second fixed tube 42. Each of the two projecting portions 44c is then coupled to each of the two trenches 41c formed in the fixed disk 41.).

Consider **claim 10**, and as **applied to claim 7 above**, Kobayashi discloses the claimed invention except for wherein each of the first case and the second case includes a concave portion corresponding to the sliding member respectively so that the sliding member slides in the concave portion.

However, Matsumura et al disclose as known in the art a data transmitting and receiving method and apparatus wherein in the compact disc player body, a cover opening and closing operating key is slid to open (read as sliding member) a cover. (figure 1a, col. 3, lines 24-28).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Matsumura into the teachings of Kobayashi to have the folding portable telephone open by a sliding operation for easier convenience.

Consider **claim 11**, and as **applied to claim 10 above**, Kobayashi discloses the claimed invention except wherein the sliding member is formed with a slot corresponding to the concave portion.

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However, Matsumura et al disclose as known in the art a data transmitting and receiving method and apparatus wherein in the compact disc player body, a cover opening and closing operating key is slid to open (read as sliding member) a cover. (figure 1a, col. 3, lines 24-28).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Matsumura into the teachings of Kobayashi to have the folding portable telephone open by a sliding operation to allow convenient access to other features and controls.

Consider **claim 12**, and as **applied to claim 1 above**, Kobayashi discloses the claimed invention wherein the upper housing portion includes a second protrusion, the transmitting member includes a first notch corresponding to the second protrusion, and the transmitting member rotates the upper housing portion by way of the second protrusion engaging the first notch (figures 1 and 4, paragraphs 17 and 54; The hinge portion 13 (read as transmitting member) comprises a first hinge portion 15 and a second hinge portion 14. The first hinge portion 15 is located on an end of the hinge portion 13 and has the operating portion 16. By the first hinge portion 15, the second housing 12 rotates from the first angle position to the second angle position, responsive to an operation of the operating portion 16. The second hinge portion 14 is located on the other end of the hinge portion 13 and is capable of rotating the second housing 12 from the first angle position to the second angle position. Two guiding trenches 33a (read as second protrusion, wherein one guiding trench is the first protrusion and the second guiding trench is the second protrusion) positioned in the X1, X2 direction are formed in the tubular portion 33c.)

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Consider **claim 13**, and as applied to **claim 1 above**, Kobayashi discloses the claimed invention wherein the transmitting member includes a second notch (figure 4, paragraph 54; Two trenches 33b positioned in the Z1, Z2 direction of the tubular portion 33c and elongated in line with the direction from Y2 to Y1 are formed in the tubular portion 33c. The two guiding trenches 33a fixes the two guiding ribs 31a so as not to move in any directions other than Y direction. The two guiding ribs 31a of the first disk 31 can be slidered in the Y direction in line with the two guiding trenches 33a formed in the first fixed tube 33.), but fails to disclose that the sliding member includes a third protrusion and the sliding member engages with the transmitting member by way of the third protrusion abutting the second notch.

However, Matsumura et al disclose as known in the art a data transmitting and receiving method and apparatus wherein in the compact disc player body, a cover opening and closing operating key is slid to open (read as sliding member) a cover. (figure 1a, col. 3, lines 24-28).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Matsumura into the teachings of Kobayashi to have the folding portable telephone open by a sliding operation to allow convenient access to other features and controls.

Consider **claim 14**, and as applied to **claim 1 above**, Kobayashi discloses the claimed invention wherein the transmitting member includes a second groove in which the first elastic member is fixed (figure 4, paragraph 54; The two guiding trenches 33a fixes the two guiding ribs 31a so as not to move in any directions other than Y direction.

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The two guiding ribs 31a of the first disk 31 can be slidered in the Y direction in line with the two guiding trenches 33a formed in the first fixed tube 33.).

Consider **claim 15**, and as applied to **claim 1 above**, Kobayashi further discloses the claimed invention wherein the first spring 43 (read as first elastic member) is a torsional spring (paragraph 57).

Consider **claim 16**, and as applied to **claim 1 above**, Kobayashi further discloses the claimed invention wherein the electronic device is a mobile phone (figure 1, folding portable telephone).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: **Sato et al (US Patent Application Publication #2004/0023684 A1).**

6. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipour
B.S./bs

November 15, 2006

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Edan Orgad 11/27/06

